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Examiner Vanessa Ford	USPTO Art Unit 1645	(703) 872-9306	(571) 272-0857 # 146
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Message: Please see interview summary, being faxed to the examiner and the Art Unit on this date.

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IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL JESSICA BROWN AT (310) 284-6173 AS SOON AS POSSIBLE.

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Docket No.: 38586-329

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : Customer Number: 33401  
Ting, Kang : Confirmation Number: 9486  
Serial No.: 09/412,297 : Group Art Unit: 1645  
Filed: October 5, 1999 : Examiner: Ford, Vanessa L

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For: NELL-1 ENHANCED BONE MINERALIZATION

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that on 6/24/04 which is the date I am signing this certificate, I am transmitting this summary via facsimile to Art Unit 1645 at (703) 872-9306, known to me to be the facsimile number of Art Unit 1645 and to Examiner Ford at (571) 273-0857, the facsimile number of Examiner Vanessa L. Ford. A copy of the confirmation being kept for recordkeeping purposes

  
Jessica Brown

SUMMARY OF TELEPHONE INTERVIEW HELD JUNE 22, 2004  
PURSUANT TO 37 C.F.R. 1.133

By Facsimile: (571) 273-0857 (Ex. Ford)  
By Facsimile: (703) 872-9306 (Art Unit 1645)

This is a summary of the telephonic interview held between Applicant's attorneys, (Marc E. Brown and Krista Vink Venegas), Applicant (Dr. Eric Ting), Examiner Vanessa Ford and Supervisor Lynette Smith of Art Unit 1645, on June 22, 2004.

The Response that was sent to the examiner on May 4, 2004 was discussed (copy attached). Pending claims 1-2, 8-12 and 50 were discussed in view of the 35 USC §112, ¶1 enablement rejection maintained by the Examiner.

First, Applicant's attorneys requested that the Examiner reconsider the finality of the present Office Action since the Examiner raised for the first time in the final Office Action a new basis for rejecting the pending claims for lack of enablement, and a non-final opportunity to respond to this basis was not provided to the Applicant.

Second, the Applicant responded to Examiner Ford's inquiries regarding examples of "test agents" which may be useful in practicing the claimed methods, including but not

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limited to peptide fragments, chemicals and pharmaceuticals which may be used in the form of panels for high throughput screening.

Finally, Applicant's attorneys outlined the response to the remaining basis for lack of enablement with respect to the function of Nell-1 and "modulation of mineralization."

The examiner indicated that she would: 1) reconsider the finality of the last Office Action; 2) consider the Response filed in view of the discussion during the interview.

Date: June 24, 2004

Respectfully submitted,  
McDERMOTT WILL & EMERY LLP

  
Marc E. Brown, Registration No. 28,590

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